IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53894 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- KARAI PARSURAI District- Nalanda

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TRIPUNJAY KUMAR Son of Sugriv Kumar Resident of Makrauta, P.S.- Karaiparsurai, District- Nalanda

... ... Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Dakshin Bihar Gramin Bank through its Chairman having Office, Ashochak near Highway Service Petrol Pump, Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Shyam Kumar Singh,APP
Mr. Suresh Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2019 The petitioner apprehends his arrest in connection with KaraiParsurai P.S.Case No. 06 of 2019 registered under Sections 120B/34, 409 and 420 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that petitioner along with officials of Dakshin Bihar Gramin Bank (hereinafter referred to as the 'bank') defaulcated and misappropriated a sum of Rs. 1,18,77,155/- of the Bank.

Learned counsel for the petitioner submits that petitioner is innocent and has unnecessarily been implicated in this case inasmuch as petitioner is not working in the bank and he is merely an account holder. He submits that the FIR is based upon merely on an enquiry conducted by the bank in which it has come to light that a total sum of Rs. 1,18,77,155/- has been found to be misappropriated and defaulcated by the manager and other officials of the bank, out of which, a sum of Rs. 1,17,14,932 has already been deposited in the bank account by the bank officials. Learned counsel further submits that only allegation against the petitioner is that his bank account was used by the main accused i.e., Rakesh Kumar Sinha, who was manager of the bank for the purpose of transfer of amount in other accounts by way of N.E.F.T.

On the other hand, learned counsel appearing on behalf of the bank vehemently opposes the prayer for anticipatory bail and submits that involvement of the petitioner, along with the officials of the bank, is apparent on the face of it inasmuch as in the enquiry conducted by the bank, at page 29, it appears that a total sum of Rs. 7,97,089/- was found to be transacted through the bank account of the petitioner inasmuch as all these amounts were firstly deposited in the bank account of the petitioner and thereafter it was transferred to other accounts through N.E.F.T. Learned counsel further submits that defence of the petitioner is that he was not having any knowledge about any N.E.F.T. from his account, is not acceptable inasmuch as, as per the N.E.F.T. procedure, signature and other details of the account holder is necessary. He submits that bail application of Rakesh Kumar Sinha has been rejected by a co-ordinate Bench of this Court in Cr.Misc. No. 25246 of 2019 and the petitioner is one of the accomplice in the offence, which is serious in nature.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner was one of the beneficiaries of the amount, which was deposited in his account, and fromwhich transaction was being made by the manager of the bank in connivance with the petitioner, as such I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner is hereby rejected.

(Anil Kumar Sinha, J)

sujit/-

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